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UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S OBJECTION TO
USE OF VIDEOS**

Trial Date: February 5, 2018

1 Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) file this
 2 short statement to give the Court a preview of an issue that will arise the first day of trial.
 3 Waymo LLC insists on playing YouTube videos that are essentially infomercials about Waymo.
 4 Some of them have a narrator talking about how great Waymo is. For example, in one video,
 5 entitled “Say Hello to Waymo” (available at
 6 <https://www.youtube.com/watch?v=uHbMt6WDhQ8>), the narrator talks about how long Waymo
 7 has been working on autonomous vehicles: “Since 2009, our team has been developing fully self-
 8 driving technology. And testing it on real city streets every single day. Until, after more than a
 9 million miles, we were ready to take a big step forward.” At that point, the video demonstrates
 10 Waymo giving a blind man a ride. We have conferred with Waymo and explained that this is
 11 hearsay and prejudicial, but Waymo insists on playing it as a “demonstrative.”

12 Another YouTube video has music playing while Waymo vehicles drive around, with
 13 captions announcing that Waymo or autonomous vehicles have arrived. There is no need for
 14 either side to be using marketing materials—written or video—at trial. They are largely
 15 irrelevant and obviously intended to bias the jury. The Court and parties should stay focused on
 16 the trade secret issues the jury is to decide—not whether autonomous vehicles are cool or whether
 17 they have arrived, or who has the best marketing materials. Rather, it is whether Uber
 18 misappropriated the eight specific alleged trade secrets at issue in this case.

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 20 Dated: February 4, 2018

MORRISON & FOERSTER LLP

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 22 By: /s/ Arturo J. González
 23 ARTURO J. GONZÁLEZ

24 Attorneys for Defendants
 25 UBER TECHNOLOGIES, INC.
 26 and OTTOMOTTO LLC
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